



INQ 04-77

June 30, 2004

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Walter J. Foeman, City Clerk  
The City of Coral Gables  
405 Biltmore Way  
Coral Gables, FL 33134

**RE: Request for Inquiry**

Dear Mr. Foeman:

You requested clarification regarding the application of the County and State financial disclosure requirements to the employees of the City of Coral Gables holding the ranks of Division Chief, Deputy Fire Chief or Fire Captain. Additionally, you asked whether the Fire Chief is required to fill out the Statement of Financial Interests Form 1, in fulfillment of the State Financial Disclosure reporting requirements.

Firstly, the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 (i)(2), "Financial Disclosure," provides,

County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning Inspectors. References herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.

Accordingly, if the capacity or authority of Division Chief, Deputy Fire Chief or Fire Captain is similar to a department

head, department director, assistant or deputy director of a department, then said employee would be subject to the financial disclosure requirements delineated in the Code of Ethics Ordinance. Those requirements include filing one of the following forms by July 1<sup>st</sup> of each year, including the last year that person is in office or held such employment:

- Federal income tax return
- Certified financial statement
- Itemized source of income statement

With regard to your second question, pursuant to state financial disclosure reporting requirements, the Fire Chief is required to fill out the Statement of Financial Interests Form 1. However, be advised that the State Ethics Commission interprets the applicability of state financial disclosure requirements.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this inquiry, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS  
Executive Director